

**GOVERNMENT OF ANDHRA PRADESH**  
**A B S R A C T**

Social Welfare Department—Land Acquisition for House Sites – West Godavari District – Non Municipal area of Eluru Village & Mandal – Sanction of Rs.26,12,905/- towards payment of Balance decretal charges in WP No.1220/2012 in EP No.103/2008 in OP No.80/88 – Orders- Issued.

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**SOCIAL WELFARE (LA.1) DEPARTMENT**

G.O Rt.No. 52

Dated: 22.01.2013  
Read the following

1. From the Dist Collector, West Godavari, Lr.No.G1/199/99, dated 28.3.2012.
2. From the CSW, A.P., Hyderabad Lr.No.LA3/12612/1999, dated 13.04.2012
3. From the Dist Collector, West Godavari, Lr.No.G1/199/99, dated 29.12.2012
4. From the Spl CS&CCLA, A.P., Hyderabad Lr.No.S2/400/2012, dt.11.01.2013.
5. Govt Memo.No.14401/SW.LA-1/2012, dated 17.01.2013
6. From the Dist Collector, West Godavari, Lr.No.G1/199/99, dated 21.1.2013.

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**ORDER:**

In the reference 4<sup>th</sup> read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has stated that in the reference 2<sup>nd</sup> read above, the Commissioner, Social Welfare, A.P., Hyderabad has forwarded proposals of the District Collector, West Godavari Lr dated 28.3.2012 for payment of decretal charges in OP. No. 80/88 for an amount of Rs. 40,33,876/- (Rupees Forty Lakhs thirty three thousand eight hundred and seventy six only) towards the lands acquired to an extent of Ac. 2.68 in R.S.No : 783 situated at Eluru division of Eluru Non- Municipal area of Eluru Village and Mandal of West Godavari. District, to provide house sites to the weaker sections As reported by the District Collector, West Godavari, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has stated that the land admeasuring Ac 2.68 Cts in R.S. No. 783 of Eluru Village and Mandal, was acquired through a supplementary Award No.5/84-85, dated 12.02.1988 for provision of house sites to the weaker section of Eluru and the Land Acquisition Officer has fixed the land value @ Rs. 48,400/- per acre. Aggrieved by the fixation of market value, the Claimant was filed OP. No : 80/88 in respect of Ac.2.68 cts in R.S. No.783 in Eluru Village & Mandal u/s.18 of LA. Act before Hon'ble Addl. Sr. Civil Judge Court , Eluru and the lower Court had issued orders dated : 18.12.1998, in the said OP is as follows :

1. That the Claimant is entitled for enhanced market value at the rate of Rs. 33/- per Sq. yd.
2. That the Claimant is entitled to Solatium U/S 23(2) of the Act at 30% on the enhanced market value.
3. That the Claimant is entitled for additional Amount Calculated at 12% per annum on the enhanced market value u/s 23(1A) of the Act from the date of section 4(!) notification (3.2.1984) to 23.02.1984 (as stay was granted by the Hon'ble high Court on 24.2.1984) and from 13.02.1986 (as stay was vacated on 12.02.1986 by the Hon'ble High Court) to 12.02.1988 (date of supplementary award i.e. excluding the pendency period in High Court from 24.02.1984 to 12.02.1986).
4. That the Claimant is entitled /for interest u/s. 28 of the act at the rate of 9% per annum on the enhanced market value from the date of taking possession for first one year and 15% after the expiry of one year till the date of deposit into the court and .
5. That the claimant is entitled to Rs. 1,000/- towards advocate fee.

Aggrieved by the Lower Court orders the Claimant and LAO has filed A.S.No : 1013 of 1999 and A.S. No.1125 of 1999 dated : 05.02.2007. The Hon'ble Court while allowing the Appeal Suit No.1013 of 1999 in partly and dismissing the Appeal Suit No.1125 of 1999 doth order and decree as follows :

1. That the market value per square yard be and hereby is enhanced from 33% to 60%.
2. That save as aforesaid the order and decree of Lower Court shall stand confirmed in all other respect and
3. That there be no order as to cost in this Appeal Suits.

The Government Pleader for appeals, High Court of AP, in his Lr.No.A.S.No.1013/1999/MMR/2012, dated 29.02.2012 advised to comply the Hon'ble High Court orders and no reason to file further Appeal/SLP. Further, the claimant filed EP. No : 103 of 2008 in OP. No.80/1988 , dated : 05.12.2007 for attachment of Government properties.

2. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that after scrutiny and verification of the proposals submitted by the District Collector, West Godavari, it was requested to send the revised calculation sheet, duly clarifying the following discrepancies as per above mentioned Court orders.

1. Date of taking possession has been shown in calculation sheet as 23.02.1984 but the interest @ 9% has been calculated from 16.4.1988.
2. Interest has been calculated on three components i.e. market value 30% Solatium & 12% Addl. Market Value instead of Market Value.
3. The amount paid on 6.02.2000 as per Hon'ble High Court directions has not been shown component wise i.e. MV, 30% Solatium & 12% Addl. Market Value and interest @ 9% and 15% etc.
4. Further the dates of payment of 2<sup>nd</sup> and 3<sup>rd</sup> instalments have not been shown in calculation sheet.

3. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has also stated that the in the reference 3<sup>rd</sup> read above, the District Collector, West Godavari. has furnished the rectification report along with revised calculation sheet and Non drawal certificate and also requested for sanction and release of decretal charges of Rs. 26,26,654/-(calculation upto 31.03.213) on or before 25.01.2013, to avoid legal complications in the matter.

4. After verification and scrutiny of the Proposals submitted by the District Collector, West Godavari/ Commissioner of Social Welfare, A.P., Hyderabad, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has sent comparative calculation sheet for Rs.26,26,654/-(Interest calculated upto 31.03.2013), in E.P No.103/2008 in O.P No. 80/88, towards the lands acquired to an extent of Ac.2.68 Cts in R.S No.783 situated at Eluru Division of Eluru Non-Municipal area of Eluru Village & Mandal of West Godavari District for purpose of house sites.

5. In the memo 5<sup>th</sup> read above, Government have requested the District Collector, West Godavari to furnish revised calculation sheet in O.P No.80/88 till date. In turn in the reference 6<sup>th</sup> read above the District Collector, West Godavari has furnished revised calculation sheet for an amount of Rs.26,12,905/-, duly calculating the interest till 24.01.2013 in the said O.P. and requested the Government for sanction of the said amount towards payment of balance decretal charges for the land acquired to an extent of Ac.2.68 Cts in R.S No.783 situated at Eluru Division of Eluru Non-Municipal area of Eluru Village & Mandal of West Godavari District for purpose of house sites, and to avoid contempt proceedings in CC No.1342/212 in WP No.1220/2012 in OP No.80/88.

6. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release an amount of Rs.26,12,905/- (Rupees Twenty Six lakhs Twelve thousand Nine hundred and Five only) towards payment of balance decretal charges for the land acquired to an extent of Ac.2.68 Cts in R.S No.783 situated at Eluru Division of Eluru Non-Municipal area of Eluru Village & Mandal of West Godavari District for purpose of house sites

7. The expenditure sanctioned in para (6) above shall be met within the BE.2012-13 and debited to the following Head of Account.

**“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.**

8. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, West Godavari to comply with the Hon'ble Court orders in WP No.1220/2012 in OP.No.80/88.

9. The District Collector, West Godavari, shall verify the calculation sheet submitted by the Land Acquisition Officer once again as per existing rules, before issue of Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

10. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Esp.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J. RAYMOND PETER  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,

The District Collector, West Godavari

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,

The Accountant General, A.P., Hyderabad,

The District Treasury Officer, West Godavari District.

Finance (Exp.SW/BG) Department

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER